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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,933	07/23/1999	AKIHIRO KOHNO	35.G2429	2145
5514	7590	02/25/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LEE, RICHARD J	
			ART UNIT	PAPER NUMBER
			2613	18

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/358,933

Applicant(s)

KOHNO ET AL.

Examiner

Richard Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The request filed on December 16, 2003 for a Request for Continued Examination (RCE) is acceptable and a RCE has been established. An action on the RCE follows.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 7-10, 12, 14-17, 19, 21-24, 26, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonezawa of record (6,271,805) in view of Okazaki et al of record (5,819,048).

Yonezawa discloses a communication apparatus and method as shown in Figure 1, and substantially the same communication apparatus and method, and storage medium storing a program as claimed in claims 1-3, 5, 7-10, 12, 14-17, 19, 21-24, 26, and 28-30 comprising substantially the same reception means/process code for receiving images from a plurality of communications terminals (60, fig. 1, fig. 2, fig. 15); output means/process code for outputting the images received by the reception means in order to display the images on a display unit as multiple images (see fig. 3, col. 4, line 18-26, line 58 to col. 5, line 13, fig. 6, col. 5, line 14 to col. 6, line 40, col. 7, line 66 to col. 8, line 10, fig. 15); assigning means for assigning an arbitrary image from among the multiple images, and control means for controlling a state of outputting the image assigned by the assigning means (see col. 5, line 38 to col. 6, line 6); notification means for acquiring and notifying a state of reception-the state of reception being the pan/tilt/zoom information (col. 4, line 36-57, col. 6, line 58-65); wherein the notification means

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changes the display unit in accordance with the state of distribution by the reception means (see col. 6, lines 53-65), wherein the change in information displayed on the display unit is a change in a state of display of an icon indicating a corresponding one of the plurality of communication terminals (see col. 6, line 53 to col. 7, line 6).

Yonezawa does not particularly disclose, though, the followings:

(a) notification means for acquiring and notifying of a state of distribution of the images by the reception means while the reception means is receiving the images, wherein the state of distribution comprises information relating to an actual frame rate of the images being received by the reception means as claimed in claims 1, 2, 8, 9, 15, 16, 22, 23, 29, and 30; and

(b) wherein the notification means comprises one of flashing of an icon, display of character information, and display of numerals as claimed in claims 7, 14, 21, and 28.

Regarding (a), it is noted that applicant's specification p. 15, top ¶ indicates "the state of distribution" is information relating to a frame rate. Okazaki et al, however, discloses an image data processing apparatus as shown in Figures 1 and 2, and teaches the conventional notification means for acquiring and notifying a state of distribution (i.e., frame rate) of the images by the reception means while the reception means is receiving the images, and wherein the state of distribution comprises information relating to an actual frame rate of the images being received by the reception means (see Figure 1: "Report of Reception Rate", with the reception rates and real frame rate reading on the actual frame rate, col. 7, lines 3+). Therefore, it would have been obvious to one of ordinary skill in the art, having the Yonezawa and Okazaki et al references in front of him/her and the general knowledge of the particular notification of actual frame rates of images, would have had no difficulty in providing the notification means for acquiring and

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notifying of a state of distribution of images by the reception means, wherein the state of the distribution comprises information relating to an actual frame rate of the images being received as taught by Okazaki et al for the communication system of Yonezawa for the same well known notification of frame rates for management of video bandwidth constraints purposes as claimed.

Regarding (b), it is noted that though Yonezawa teaches performing notification by changing the color of an icon (col. 12, line 8-18), Yonezawa does not disclose performing notification by one of flashing an icon, display of character information, and display of numerals as claimed. Despite the difference, it is viewed that such difference of a notification means is merely an obvious design preference used to achieve a desirable effect, but has no patentable weight over Yonezawa due to the fact that Yonezawa already teaches similar notification means.

4. Claims 4, 6, 11, 13, 18, 20, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonezawa and Okazaki et al as applied to claims 1-3, 5, 7-10, 12, 14-17, 19, 21-24, 26, and 28-30 in the above paragraph (3), and further in view of Yamaashi et al of record (5,621,429).

The combination of Yonezawa and Okazaki et al discloses substantially the same communication apparatus and method, and storage medium storing a program as above, but does not particularly disclose wherein the notification means changes information displayed in accordance with a frame rate of an image received by the reception means, and wherein the notification means does not perform notification when the frame rate is high, and performs notification when the frame rate is reduced. However, Yamaashi et al. discloses a video data display controlling system as shown in Figure 1, and teaches keeping track of the "frame rate" of the received image data, i.e. the state of distribution, based on the bandwidth capacity, and the

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changes in the display information in accordance to the bandwidth capacity, as well as notifying and changing the display information in accordance to high and low priority of image area interests, which is substantially equivalent or has the capacity to perform notification in accordance to high or reduced frame rate as claimed. (see Abstract, col. 7, line 24-38, line 64 to col. 8, line 18, col. 8, line 28-47, col. 12, line 34 to col. 13, line 12, line 57 to col. 14, line 11, line 47-61). Therefore, taking the combined teachings of Yonezawa, Okazaki et al, and Yamaashi as a whole, one skilled in the art would have found it obvious to modify the system of Yonezawa and Okazaki et al to include notification and changes to the display state in accordance to the frame rate as claimed. Doing so would have resulted in more flexibility and efficiency in bandwidth capacity and also flexibility in changing display states of image information as taught in Yamaashi (col. 2, lines 5-9).

5. Claims 31, 33, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al of record (5,819,048).

Okazaki discloses an image data processing apparatus as shown in Figures 1 and 2, and substantially the same communication apparatus and method, and storage medium storing a program (fig. 1, col. 3, lines 26-27) as claimed in claims 31, 33, 35, and 36, comprising substantially the same reception unit (102 of fig.1) for receiving images generated from a communication terminal (see fig. 1:101, also fig. 2); an output unit for outputting the images (this is served by 101: transmission module) received by said reception unit (102) in order to display the images on a display unit (fig. 2:203, also col. 7, lines 3+, also fig. 12); and a notification unit for acquiring and notifying of a state of reception of the reception unit, the state of reception comprising a state of frame rate of the images received by said reception unit while

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said reception unit is receiving the images (see fig. 1: "Report of Reception Rate", also col. 7, lines 3+); wherein said notification unit causes the display unit to display an image information of the state of frame rate corresponding to the images from the communication terminal, which image information is different from the images received by the reception unit and displayed on the display unit, and notifies of the state of frame rate by changing the image information on the basis of the state of reception of the reception unit (see col. 3, lines 31-62, col. 7, lines 3-67, also figs. 3, 7, 11); and wherein the notification unit causes the display unit to display the image information of the state of the frame rate together with the received images (i.e., the reception rate is displayed providing the image information of the state of the frame rate, together with the received images as provided on display 203, see col. 3, lines 13-62, col. 7, lines 3-67, also figs. 3, 7, 11).

Okazaki et al does not particularly disclose, though, the followings:

(a) not displaying the image information when the received images are not displayed as claimed in claims 31, 35, and 36; and

(b) wherein the notification unit does not perform notification when the frame rate is high, and performs notification when the frame rate is reduced as claimed in claim 33.

Regarding (a), it is noted that though Okazaki et al teaches the particular the notification unit for causing the display unit to display the image information of the state of the frame rate together with the received images, Okazaki et al does not particular disclose not displaying the image information when the received images are not displayed as claimed. It is however considered obvious that such features of not displaying information when the received images are not displayed are provided within Okazaki et al even without specific disclosure since there

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would be no reason to display the intended image information regarding the state of the frame rate when no images are received. Additionally, since Okazaki et al teaches the particular display of the image information together with the received images, it is considered obvious to delete the feature of displaying image information such as in the situation where there are no received images as claimed. Therefore, it would have been obvious to one of ordinary skill in the art, having the Okazaki et al reference in front of him/her and the general knowledge of the display of information with images, would have had no difficulty in recognizing that the display unit of Okazaki et al may obviously not display the image information when the received images are not displayed in view the obvious modification to the deletion of features within Okazaki et involving the display unit to display the image information together with the received images.

Regarding (b), Okazaki et al teaches performing a notification when the frame rate is high or low and recommending the appropriate action as a result of such notification (figs. 3-5, 11, also col. 4, lines 8+). Although Okazaki does not recommend not performing a notification when the frame rate is high, only when the frame rate is low as claimed, it is viewed that such added feature would have been an obvious variant to achieve a desirable effect since Okazaki already has the framework for performing a notification based on a frame rate.

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6. Claims 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al as applied to claims 31, 33, 35, and 36 in the above paragraph (5), and further in view of Yonezawa of record (6,271,805).

Okazaki et al discloses substantially the same communication apparatus and method, and storage medium storing a program as above, but does not particularly disclose the followings:

(a) wherein changing the image information is a change in a state of display of an icon indicating the corresponding communication terminal as claimed in claim 32; and

(b) wherein the notification unit comprises one of flashing of an icon, display of character information, and display of numerals as claimed in claim 34.

Regarding (a), Okazaki et al teaches a user interface module for displaying a list of frame rates (see col. 7, lines 3+, also fig. 2:203 and fig. 12 show a display for this purpose) to indicate the changing state of the display information, but fails to teach the technical features as required in claim 32. However, such technical features are well known and made obvious by Yonezawa (col. 12, line 8-18). Therefore, taking the combined teaching of Okazaki et al and Yonezawa as a whole, it would have been obvious to modify the user interface module in Okazaki et al to include the image information is a change in a state of display of an icon as taught in Yonezawa. Doing so would enhance the notification of the changing state of the display frame rates by changing the state of the display of an icon as claimed.

Regarding (b), Okazaki in view of Yonezawa teaches performing notification by displaying character information and display numerals (Okazaki, fig. 12, also col. 7, lines 3+, also fig. 2:203), and by changing the color of an icon (Yonezawa, col. 12, line 8-18). Despite the difference, it is viewed that having a flashing icon as a means for sending a notification as

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claimed is merely an obvious design preference used to achieve a desirable effect, but has no patentable weight over Okazaki in view of Yonezawa due to the fact that both references teach notification means achieving equivalent results.

7. The Examiner wants to point out that the applicants' arguments from the amendment filed October 20, 2003 have been noted and considered, but are deemed moot in view of the above new grounds of rejections.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.


RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

2/18/04